

October 8, 2020

Subject Property:

274 Van Horne Street

Lot 11 Block 24 Lot 202 Similkameen Division Yale
District Plan 479

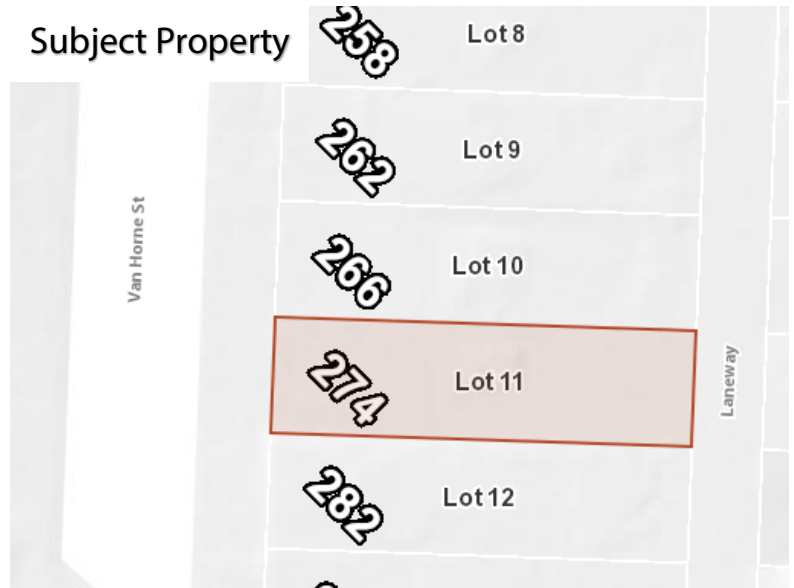
Application:

Development Variance Permit PL2020-8798

The applicant is proposing to keep an unpermitted driveway access from the street to the subject property. Front driveways are not permitted in the RD2 zone where a rear lane exists, and as such the

applicant has submitted a development variance permit application requesting to vary Section 10.6.3.2 of Zoning Bylaw 2017-08 to allow a front driveway at 274 Van Horne St.

Subject Property



Information:

You can find the staff report to Council and Development Variance Permit PL2020-8798 on the City's website at www.penticton.ca/latestannouncements. Select the Public Notice category.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, October 20, 2020**.

In response to COVID-19, Regular Council meetings will remain closed to the public. All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed development variance permit, may submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, October 20, 2020** to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: corpadmin@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the October 20, 2020 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay
Planning Manager

Date: October 20, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner 1
Address: 274 Van Horne Street
Subject: Development Variance Permit PL2020-8798

File No: RMS/274 Van Horne Street

Staff Recommendation

THAT Council deny “Development Variance Permit PL2020-8798” for Lot 11 Block 24 Lot 202 Similkameen Division Yale District Plan 479, located at 274 Van Horne Street, a permit to vary Section 10.6.3.2 of Zoning Bylaw 2017-08 to allow vehicular access from the street.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to keep an unpermitted driveway access from the street (Van Horne St) to the subject property. Front driveways are not permitted in the RD2 (Duplex Housing: Lane) zone where a rear lane exists, and as such the applicant has submitted a development variance permit application requesting to allow a front driveway on a site-specific basis.

Background

The subject property is located on the east side of Van Horne Street, south of Westminster Avenue East (Figure 1). A duplex was built on the subject property in 2018. Surrounding land uses are residential in nature, consisting primarily of single detached dwelling and duplexes. Van Horne Street dead ends south of this property at Penticton Creek.



Figure 1 - Location Map

In 2017 staff approved "Development Permit PL2017-7979" for the duplex on the subject property. The development permit plans showed all parking off the rear lane, and a walkway to Van Horne St (Attachment 'E'). The remainder of the front yard was to be landscaped with grass. This design was in line with Official Community Plan guidelines and complies with regulations for new development in the RD2 zone. As such, the plans were approved. Through the construction of the duplex, the owner had a parking pad paved at the front of the property (Attachment 'F'). The owner did not follow the approved development permit plans (Attachment 'E') and did not check with the City prior to having the parking pad poured.

The applicant cites on-street parking demand on Van Horne Street as the primary reason for adding a parking space from the street (Attachment 'D'). A number of commercial uses on Ellis Street do not have on-site parking and the applicant outlines that people park on side streets in the neighbourhood as a result, including Van Horne Street.

Analysis

When considering a variance to a City bylaw, staff encourages Council to consider if approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. Staff have considered both requested variances below.

The applicant has requested a variance to Section 10.6.3.2 of the Zoning Bylaw to allow vehicular access from the street, where a rear lane is provided.

Staff have reviewed this request and are recommending against its approval for the following reasons:

1. There are more than the required number of parking spaces on the subject property, accessed from the rear lane.

The Zoning Bylaw requires one parking space per duplex unit, and that parking be accessed from the rear lane where a rear lane exists. The new duplex provides three parking spaces accessed from the rear lane, which exceeds the minimum required number of parking spaces. The front driveway is not required by the Zoning Bylaw and is further in excess to the two required parking spaces on-site.

2. The request is not in keeping with the intent of the Zoning Bylaw.

The intent of requiring vehicle access and parking off of the rear lane in the RD2 zone is to make the highest use of the rear lanes for residential traffic and maintain the street for on-street public parking. In addition, having vehicle access primarily from the rear lane maintains a continuous landscaping strip along the boulevard of the street which would be lost if multiple driveway crossovers were installed. By allowing a driveway from the street, the amount of on-street parking is reduced.

Minimizing driveways also improves and enhances the pedestrian experience, and the connection maintained between the public realm and the private realm in the front yards of these homes. By utilizing the rear lanes for access to parking on private property, more front yard landscaping and recreational space remains for users of the property.

3. The request is not in keeping with the intent of the Official Community Plan.

The OCP contains policies to guide development in the City. The front driveway is not in keeping with the following OCP policies and design guidelines:

- | | |
|--------------------|---|
| OCP Policy 4.2.2.5 | Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist. |
| OCP Guideline G16 | Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping. |
| OCP Guideline G17 | Parking between the front of buildings and the street is not permitted. Parking should be located at the rear of building/sites. |

4. The majority of properties on this block of Van Horne Street do not have front driveways.

There are 23 properties on this block of Van Horne Street and aside from the driveway on the subject property, staff noted only two (2) other properties that have paved front driveways. There are five (5) front driveways that are gravel, and several are fully within the City boulevard. The majority (70%) of properties on this block do not have driveway access onto the street, and 92% do not have paved front driveways. The proposed front driveway is not consistent with the character of this block in which driveways are primarily off of the rear lane.

Given the reasons above, the request to allow vehicle access from the street is not considered suitable nor in keeping with the intent of the Zoning Bylaw. As such, staff recommend that Council deny the applicant's request to allow vehicular access from the street.

Alternate Recommendations

Council may consider the variance request appropriate and reasonable in this instance. If this is the case, Council should approve the application. Staff are recommending against this option, as in staff's opinion it would be contradictory to the intent of the Zoning Bylaw and OCP.

1. THAT Council approve "Development Variance Permit PL2020-8798".

Attachments

- Attachment A – Zoning Map of Subject Property
- Attachment B – Official Community Plan Map of Subject Property
- Attachment C – Images of Subject Property
- Attachment D – Letter of Intent and Photos from Applicant
- Attachment E – Approved Site Plan (DP PL2017-7979)
- Attachment F – Current Site Plan
- Attachment G – Draft "Development Variance Permit PL2020-8798"

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner 1

Concurrence

Director	Chief Administrative Officer
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Draft

Attachment A – Zoning Map of Subject Property

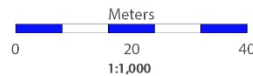


274 Van Horne Street

Zoning Map



Terms of Use : The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



July 13, 2020
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penticton.ca

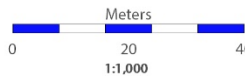


274 Van Horne Street

Official Community Plan Map



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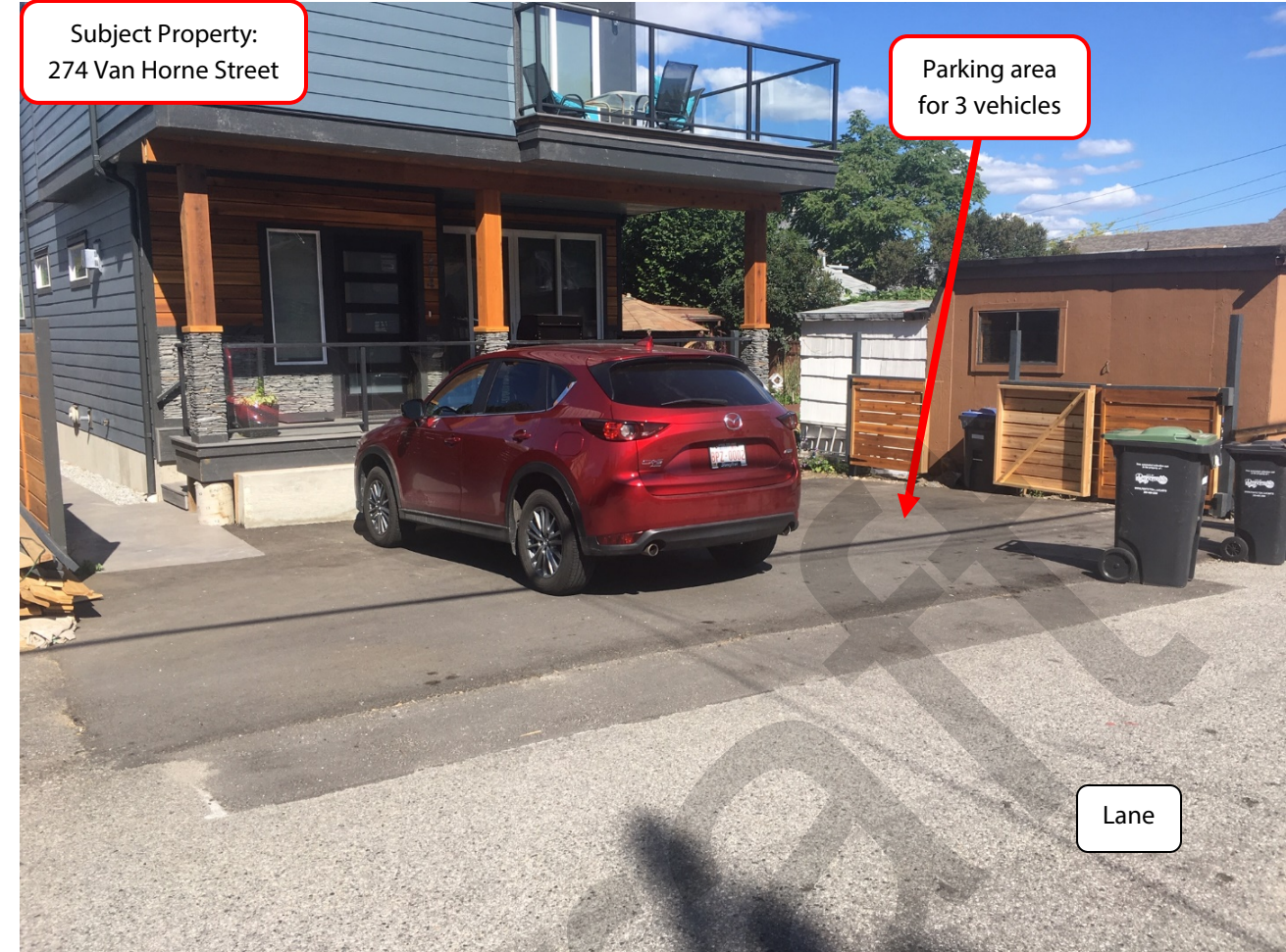
Attachment C – Images of Subject Property



Subject Property:
274 Van Horne Street

Parking area
for 3 vehicles

Lane



Attachment D – Letter of Intent and Photos from Applicant

To: Penticton City Council

Mar 30/2020 Oct 1/2020

Re: Development Variance Permit- parking spot- 101-274 Van Horne St

From-property owners- Craig & Sue Cooke

Updates highlighted- based on changes in the past 6 months

I would like to begin by stating that I was not aware of, nor did I intend on go against any current bylaws. This is my first time being involved with building a new home. We have been planning on retiring on this property, since we purchased it, 9 years ago. I realize now that I should have paid more attention to the details of the landscaping plans. The focus was directed towards the 3 parking spots at the rear (alley) of the property and location/storage of the garbage/recycling bins.

The following is a list of reasons that we came to our decision, on the day we had the front sidewalk formed, for the concrete.

- the house directly across the street (no alley) and the 3 to the south of us (all the way to the creek) have parking spot on their front yard.

- 3 of these residents have had their vehicles hit when parked on the street, by vehicles trying to turn around at the end of the street.

- we estimate an average of 5-10 vehicles in the winter and 15-20-25-30 in the summer, struggle with turning around at the end of our street, when cars are parked (Afternoon Cannery traffic, shows a large surge) Cannery adding 'The Backyard' (addition of 100+ seats) afternoon parking demand has increased significantly. We have additional concerns with Highway 97 Brewery, opening soon, with no patron parking available

- on Saturdays, when the market is open, vehicles park down both sides of our street, as well as at the end, in front of the 'no parking' sign.

- on occasions when vehicles are parked on both sides of our street, some larger trucks and/or vehicles with trailers, have had to back up, all the way to the corner, to turn around.

- on the day I met the paving crew at the property to cover the alley parking area, the Manager of Peter Bros. suggested paving the front spot at the same time. I told him that I did not think covering the boulevard was allowed, and he answered, "sure it is, we do it all the time".

In conclusion, we strongly feel that by parking 'off-street' will undoubtedly assist in allowing vehicles turn around at the end of the road. By leaving our curbside and our neighbors to the south, open, it will allow a spot for vehicles to turn around.

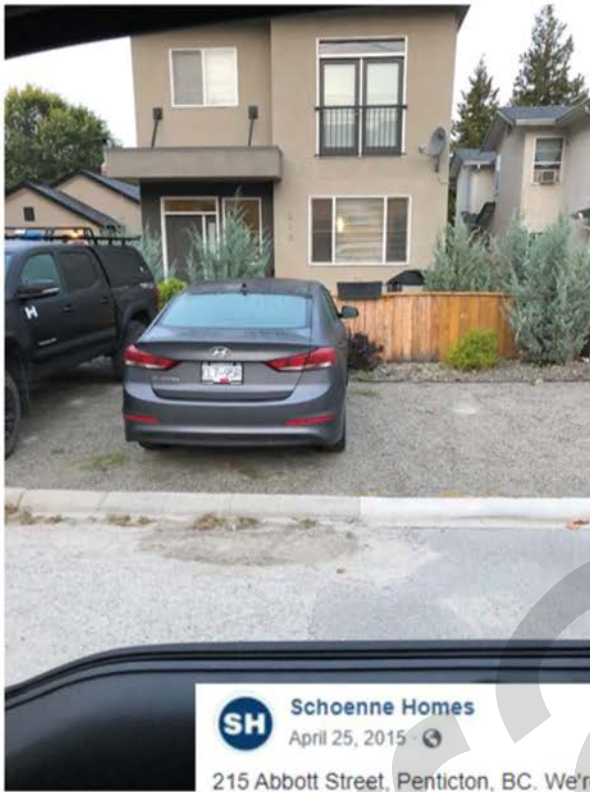
- Additional (new) demand on parking- 100 block Van Horne- development of approx. 12 house/duplexes
- Vacation Rental 220 Van Horne- addition of multiple vehicles/boat trailers, RV's, parking on street
- Paid parking expanding to Ellis St.
- We are more than willing to comply with all required permits, licencing agreements, etc.
- I have attached some photos for reference (new duplex across the alley with front parking, our place...)

Thank you for review and consideration of our application.

Regards,

Craig & Sue Cooke

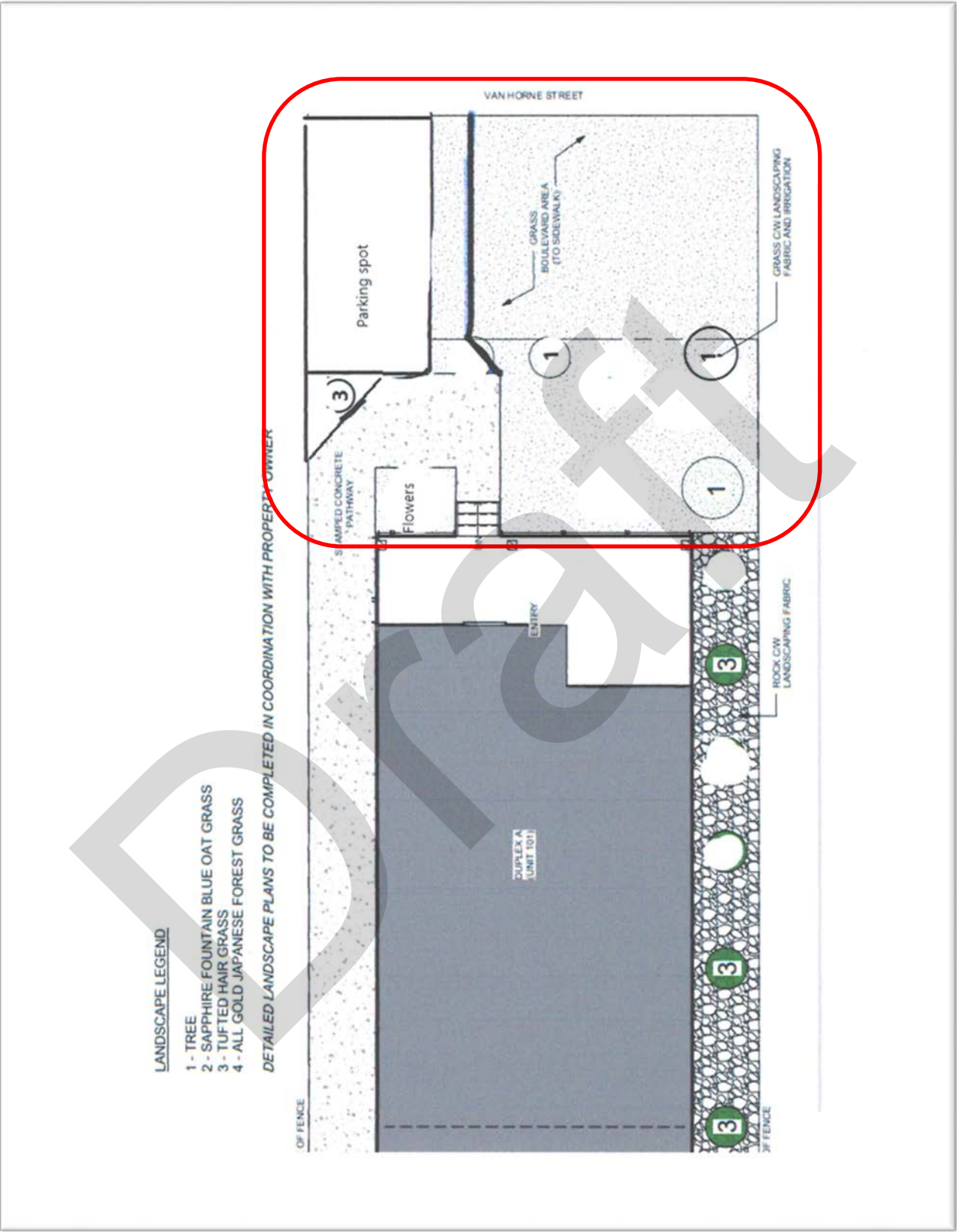
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SH Schoenne Homes
April 25, 2015

215 Abbott Street, Penticton, BC. We're constructing a single front to back duplex at this location, 1,292 sq ft, 3 bedrooms, 1.5 bathrooms, Forced air gas heat and 5 appliances. \$299,900 including net GST. These will not last. Ready October 2015. Visit Schoennehomes.com for more information.







Development Variance Permit

Permit Number: DVP PL2020-8798

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: Lot 11 Block 24 District Lot 202 Similkameen Division Yale District Plan 479
 - Civic: 274 Van Horne Street
 - PID: 012-304-905
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a driveway off the street, as shown in the plans attached in Schedule 'A':
 - a. Section 10.6.3.2: to permit vehicular access to the property from the street.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ____ day of _____, 2020.

Issued this ____ day of _____, 2020.

Angela Collison
Corporate Officer

DRAFT

LANDSCAPE LEGEND

- 1 - TREE
- 2 - SAPPHIRE FOUNTAIN BLUE OAT GRASS
- 3 - TUFTED HAIR GRASS
- 4 - ALL GOLD JAPANESE FOREST GRASS

DETAILED LANDSCAPE PLANS TO BE COMPLETED IN COORDINATION WITH PROPERTY OWNER

